

STATE OF INDIANA

_____ COURT

In The Matter Of _____
A Delinquent Child Case No. _____

ORDER ON MODIFICATION HEARING

The State of Indiana appears by _____,
(Deputy/Prosecuting Attorney). The child, _____, appears in
person and with/without counsel, _____. The parent(s)
(guardian) (custodian) _____ appear (s) in person. Also,
(Probation Officer) (Intake Officer) _____ appears. The following
persons interested in this matter as a foster or prospective adoptive parent, caretaker, relative or
other person having a significant relationship to the child also appear: _____

A hearing is held on the Petition to Modify.

The Court FINDS and ORDERS as follows:

[] The child admits to the allegations in the Petition to Modify.

The Court now determines that no promises or threats were made to the child,
parent/guardian/custodian to obtain the admission, that the child is not under the
influence of any substance, and that the child and the parent/guardian/custodian
understand the admission and waive(s) their legal and constitutional rights previously
explained. The Court finds an adequate factual basis and grants the Petition to Modify.

[] The Court considers the issue of detention and finds that the child should be detained for the
following reasons:

- () the child is unlikely to appear for subsequent proceedings;
- () detention is essential to protect the child and the community;
- () the child has a reasonable basis for requesting that he not be released;
- () return of the child to the home is or would be contrary to the best interests
and welfare of the child and would be harmful to the safety or health of the child;
- () the parent, guardian or custodian cannot be located or is unable or
unwilling to take custody of the child and the Court orders said child detained.

[] The Court finds that the State has proven by a preponderance of the evidence that good cause
exists to modify the Court's prior Dispositional Order.

[] The court finds that the probation department has made reasonable efforts to prevent removal;
it is in the child's best interest to remove the child from the home;

Or

Due to the emergency nature of the situation, no reasonable efforts could be made to prevent removal because: _____.

Return of the child to the child's home is or would be contrary to the best interests of the child and harmful to the safety or health of the child, because:

The court finds that the

☐ child is placed in a secure detention facility

or

☐ department of child services concurs in the probation officer's recommendation in the petition or modification report;

or;

☐ department of child services does not approve the probation officer's recommendation in the petition or modification report and the court, having reviewed the report of the DCS, accepts the recommendation of DCS;

or

☐ department of child services does not approve the probation officer's recommendation in the petition or modification report. The court further finds, having reviewed the report of the DCS, the recommendations of the DCS are unreasonable based on the facts and circumstances of the case or are contrary to the welfare and best interests of the child based on the following:

The removal of the child from the home or change in the child's place of residence is an emergency required to protect the health and welfare of the child for the following reasons:

(If recommended placement is out-of-state): The Court finds by clear and convincing evidence that the above out of state placement in a home or facility that is not a secure detention facility is appropriate because:

☐ The Director of the DCS or his designee has recommended or approved of the placement;

or

☐ There is not a comparable home or facility with adequate services in Indiana,

because _____;
or

() the home or facility is not more than 50 miles from the county of the residence of the child.

The Court finds good cause to grant the modification and orders the following:

1. The child shall be detained in (secure)(non-secure) custody at _____ as recommended or approved by the Probation officer. The placement is the least restrictive placement in the child's best interest. It is contrary to the welfare of the child for the child to remain in the home. The placement was determined to be an emergency required to protect the health and welfare of the child.

2. (county) probation department is responsible for continuing oversight of the placement and care of the child.

3. The Probation Officer is ordered to prepare a PROGRESS Report to be filed _____ .

The Court sets this for a REVIEW Hearing on the _____ day of _____,
20____ and _____ o'clock ____M.

The Court sets this for a PERMANENCY Hearing on the _____ day of _____,
20____ and _____ o'clock ____M.

4.(*If placement is not in a secure detention facility*)The probation officer shall complete a case plan for the child no later than 60 days after the child's first placement or the date of a dispositional decree. The Probation Officer shall send a copy of the completed case plan to DCS; the child's parent, guardian or custodian; and the person or agency with whom the child is placed for temporary residence, within 10 days after completion of the plan. The Case Plan will be reviewed and updated once every 180 days.

So ordered this _____ day of _____, 20_____.

Judge

DISTRIBUTION:
CC: DCS